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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,410	01/18/2005	Axel Ullrich	2923-679	7025
6449 7590 11/02/2010 ROTHWELL, FIGG, ERNST & MANBECK, P.C. 1425 K STREET, N.W. SUITE 800 WASHINGTON, DC 20005				
EXAMINER				
REDDIG, PETER J				
ART UNIT		PAPER NUMBER		
1642				
NOTIFICATION DATE		DELIVERY MODE		
11/02/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10521410	1/18/2005	ULLRICH ET AL.	2923-679

EXAMINER

PETER J. REDDIG

ART UNIT

PAPER

1642

20101027

DATE MAILED:

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Commissioner for Patents

1. The Amendment filed August 31, 2010 in response to the Office Action of May 06, 2010 is acknowledged and has been entered. Claims 10-14,17-21 and 35-39 were previously under examination. Claims 10-14,17-21 and 35-39 have been withdrawn from further consideration by the examiner under 37 CFR 1.142(b) as being drawn to non-elected inventions for the reasons set forth below.
2. The claims as currently constituted are directed to A method of reducing the invasivity of cancer cells in a subject in need thereof comprising administering to the subject an AXL protein or AXL protein ligand, or any combination thereof, in an amount which is effective for reducing the invasivity of cancer cells, and wherein said inhibitor of the AXL protein is selected from the group consisting of anti-AXL antibodies or Fab, Fab', Fab2 or scFV antigen binding fragments thereof, and wherein said cancer cells are selected from the group consisting of breast cancer cells, prostate cancer cells, kidney cancer cells, glioblastoma cells or cancer cells of epithelial origin, which is a distinct invention from the invention originally presented directed to a method of reducing the invasivity of cancer cells in a subject in need thereof comprising administering to the subject AN INHIBITOR of the AXL protein or AXL protein ligand, or any combination thereof, in an amount which is effective for reducing the invasivity of cancer cells, and wherein said inhibitor of the AXL protein is selected from the group consisting of anti-AXL antibodies or Fab, Fab', Fab2 or scFV antigen binding fragments thereof, and wherein said cancer cells are selected from the group consisting of breast cancer cells, prostate cancer cells, kidney cancer cells, glioblastoma cells or cancer cells of epithelial origin. The newly claimed invention is now drawn to a distinct method that differs in the compositions being administered from the method originally presented in application Serial No. 10/521,410.
3. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 10-14,17-21 and 35-39 are withdrawn from consideration as being directed to a non-elected invention. See 37 C.F.R., 1.142(b) and M.P.E.P., 821.03.
4. The amendment filed August 31, 2010 amending all of the claims to an invention not originally presented is nonresponsive (see MPEP 821.03). The remaining claims are not readable on the originally presented invention for the reasons set forth above. Applicant is given a ONE MONTH time limit or until the expiration of the response period set in the last Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J. Reddig whose telephone number is (571) 272-9031. The examiner can normally be reached on M-F 8:30 a.m.-5:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Misook Yu can be reached on (571) 272-0839. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter J Reddig/
Primary Examiner, Art Unit 1642